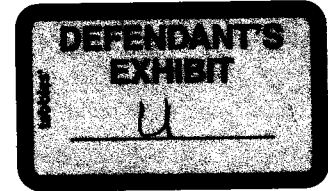


In The Matter Of:

USA v.

Johnson



Rosales, Ms. Jessica Flores

February 18, 2014

Pace Reporting Service, Inc.

PO Box 252

Cary, NC 27512

919-859-0000

Original File Rosales 2-18-14.prn

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1 weeks, three or four.

2 Q Did you review any documents in preparation for
3 your deposition here today?

4 A (Through The Interpreter) No.

5 Q Did you discuss this deposition with anyone?

6 A (Through The Interpreter) No.

7 Q Have you discussed this case with anyone?

8 A (Through The Interpreter) No.

9 Q Certainly you've discussed it with your lawyer?

10 A (Through The Interpreter) Yes. And my daughter
11 only. She knows some things, but--

12 Q Okay. Are we talking about this daughter or a
13 different daughter?

14 A (Through The Interpreter) Yes, she.

15 Q Okay. Do you recall being stopped by the Alamance
16 County sheriff on July 24th, 2011?

17 A (Through The Interpreter) Yes. I don't remember
18 exactly the date, but yes.

19 Q Do you remember if it was day or night?

20 A (Through The Interpreter) It was around five P.M.

21 Q Okay. So was it light outside?

22 A (Through The Interpreter) Yes.

23 Q Can you tell us what happened?

24 A (Through The Interpreter) Well, what happened

1 since I took the car, I started the car, I got out
2 of the gas station. Well, I--I got out of the gas
3 station, the police came after me, turned on his
4 lights. And I stopped.

5 Q So you were pulled over just outside of the gas
6 station?

7 A (Through The Interpreter) When I got out of the
8 gas station, I took the streets. So the police
9 came after me. I suppose he was waiting for me to
10 get out. Well, and the area where he turned on his
11 lights, there's no place to stop so I stopped a
12 little ahead.

13 Q Okay. You said you supposed that he was waiting
14 for you to get out of the gas station.

15 So did you see him at the gas station?
16 Was the police officer at the gas station?

17 A (Through The Interpreter) Well, he wasn't in the
18 gas station. He was at a parking lot of a church
19 that is right in front of the corner of the gas
20 station. And when I got out, that's when he got
21 out. I saw him.

22 Q When you got out of where?

23 A (Through The Interpreter) When I went in to turn
24 on the car, I knew that he was there.

1 Q Okay. Okay. I'm sorry. Were you finished with
2 your answer?

3 A Yeah.

4 Q So at the time that you were stopped, you were
5 driving, correct?

6 A (Through The Interpreter) Yes.

7 Q Did you drive to the gas station?

8 A (Through The Interpreter) No.

9 Q After the--and I--forgive me. I'm calling him a
10 police officer. But this was a sheriff's deputy
11 that stopped you, is that correct?

12 A (Through The Interpreter) Well, it said sheriff.

13 Q Yeah. So it was someone working for the Alamance
14 County Sheriff. Yeah. I just wanted to make that
15 clear for the record.

16 Do you know why you were stopped by the
17 deputy?

18 A (Through The Interpreter) Well, he told me that he
19 stopped me, but that he wasn't going after me, that
20 he was going after my partner, who was with me.
21 Because he--okay. Okay. Well, that's what he told
22 me, that the problem wasn't with me, but with my
23 partner.

24 Q Okay. So you did know why you were stopped, is

1 that correct?

2 A (Through The Interpreter) No. He told me that.
3 The policeman told me that.

4 Q Okay. So at the time you were stopped, the officer
5 told you why you were stopped, is that--

6 A (Through The Interpreter) Yes. I asked him why he
7 had stopped me.

8 Q Okay.

9 A (Through The Interpreter) And he told me it wasn't
10 with me, that it was with my partner. So I told
11 him if I was the one driving, why would it be with
12 him.

13 Q Okay. Your partner drove to the gas station?

14 A (Through The Interpreter) Yes.

15 Q You were meeting there?

16 A (Through The Interpreter) Yes. Because I was at
17 work. He was going to come for me to my work. But
18 a female friend was already taking me, so we
19 decided for him to wait at the gas station.

20 Q Okay. Do you have any idea how long he waited for
21 you at the gas station?

22 A (Through The Interpreter) Approximately two or
23 three minutes.

24 Q Now, you call him your partner.

1 Who was it that was with you in the car
2 that day?

3 A (Through The Interpreter) Jose Ramirez.

4 Q And when you call him your partner, is that--can
5 you define what that is, please?

6 A (Through The Interpreter) We live together.

7 Q Okay. Do you remember testifying under oath on
8 January 22nd, 2014, before the magistrate Judge
9 Webb [sic] at the show cause hearing in Durham?

10 A (Through The Interpreter) Yes.

11 Q And can you tell whether or not you testified at
12 that hearing that the deputy told you he'd seen Mr.
13 Ramirez driving hard?

14 A (Through The Interpreter) Yes. I remember. But I
15 said that the sheriff had said that he had thought
16 that he was driving hard. And I--I asked him, "Why
17 didn't you stop him?"

18 Q Okay. When you got into the car with Mr. Ramirez,
19 did you notice that he had been drinking?

20 A (Through The Interpreter) No. He got out of the
21 store of the gas station because he had bought a
22 soda or something like that.

23 Q And so why did he not drive away from the gas
24 station instead of you?

1 A (Through The Interpreter) Because I got in the
2 car, and the car was on. And I--I could--I could
3 also do it.

4 Q So when you got to the gas station, Mr. Ramirez was
5 in the gas station?

6 A (Through The Interpreter) Yes.

7 Q And he'd left the car running?

8 A (Through The Interpreter) Yes. Because he's right
9 in front.

10 Q Okay. And you had no idea that Mr. Ramirez was
11 intoxicated or had been drinking?

12 A (Through The Interpreter) He wasn't intoxicated.

13 Q When the officer stopped you, how many officers
14 were there at that time?

15 A (Through The Interpreter) Only one.

16 Q Did another officer join that one, or any other
17 officers come along?

18 A (Through The Interpreter) Another officer came.

19 Q And how long was that later?

20 A (Through The Interpreter) I don't remember. It
21 was I think around fifteen minutes. I'm not sure.

22 Q And did one officer then deal with you and another
23 with Mr. Ramirez, or did the same officer handle
24 both of you?

1 A (Through The Interpreter) The next one that
2 arrived was the one that dealt with me.

3 Q And do you know the name of the officer that dealt
4 with you?

5 A (Through The Interpreter) I don't remember.

6 Q Okay. The officer that--that talked with you, did
7 he ask you for some sort of identification or
8 driver's license?

9 A (Through The Interpreter) Yes. He asked for a
10 driver's license.

11 Q And did you produce them?

12 A (Through The Interpreter) No.

13 Q And why did you not produce it?

14 A (Through The Interpreter) Well, I asked him why he
15 was stopping me. And because he didn't stop me,
16 and he--I didn't make any infraction.

17 Q So at this point of the conversation who are you
18 talking to, which officer, the first officer or the
19 one who came alongside to deal with you later?

20 A (Through The Interpreter) With the second one.

21 Q Okay. So you argued with that deputy, is that
22 right?

23 MR. SONGER: Objection.

24 Q I'll rephrase.

1 Can you tell me whether or not you argued
2 with the deputy?

3 A (Through The Interpreter) I didn't argue.

4 Q But it is your testimony that you refused to
5 produce identification, is that correct?

6 A (Through The Interpreter) I--I only asked why he
7 was doing it. I feel that--because the first
8 officer had told me that he didn't have any problem
9 with me.

10 Q I understand that. My question, however, is just
11 to clarify what you've already testified to. I
12 want to make sure that I understand.

13 You did refuse to produce ID, is that
14 correct? Is that your testimony?

15 A (Through The Interpreter) Well, I--I said, you
16 know, I asked why are they asking me for that,
17 because they are saying that they didn't have any
18 problem with me.

19 Q I understand that. I'm still looking for a yes or
20 no to my question, ma'am.

21 Did you or did you not refuse to give
22 your ID?

23 A (Through The Interpreter) He asked me if I had a
24 driver's license. And I said yes. And so I didn't

1 want to show it to him.

2 Q So you did not, is that your testimony?

3 A (Through The Interpreter) Yes. That's correct.

4 Q Okay. Do you have a driver's license, ma'am?

5 A (Through The Interpreter) No.

6 Q Did you have one at the time you told the officer
7 you did?

8 A (Through The Interpreter) No.

9 Q So were you truthful or not with that officer at
10 that time?

11 A (Through The Interpreter) Well, no.

12 Q What was--what were you charged with?

13 A (Through The Interpreter) My charge was driving--
14 driving without a license and resisting arrest,
15 which is not true.

16 Q Have you ever read the definition of "resisting
17 arrest" or "resisting, obstructing or delaying"?

18 A (Through The Interpreter) No. But--but the judge
19 withdrew the charges because he didn't come to
20 confirm that. He didn't come to confirm that.

21 Q So the judge dismissed the charges against you?

22 A (Through The Interpreter) Yes.

23 Q Pursuant to your testimony that the judge dismissed
24 the charges, is it your testimony that you did not

1 have to plead guilty or not guilty to the charges?

2 A (Through The Interpreter) Correct.

3 Q Are you aware that the court records reflect that
4 you plead guilty to no operator's license?

5 A (Through The Interpreter) Yes. To not having a
6 driver's license, yes. But not to resisting
7 arrest.

8 Q And can you tell whether or not your agreement to
9 plead guilty to no operator's license was part of a
10 plea agreement with the district attorney?

11 A (Through The Interpreter) I'm not sure.

12 Q So you don't know whether your--your plea agreement
13 was that you plead to no operator's license, and
14 the district attorney dismissed the resist and
15 obstruct and delay charge?

16 A (Through The Interpreter) I only know that the
17 policeman didn't appear in two of the occasions
18 that he should have helped to testify.

19 Q Are you--do you understand that the police
20 officer--excuse me--the deputy sheriff did not have
21 to be present in order for the district attorney to
22 offer you a plea agreement?

23 A (Through The Interpreter) No.

24 Q And are you aware that the judge actually did not

1 dismiss the charges? Are you aware of that?

2 A (Through The Interpreter) No.

3 MS. TURRENTINE: I'd like to mark as
4 Rosales Exhibit 1.

5 (DEPOSITION EXHIBIT NO. 1
6 MARKED FOR IDENTIFICATION)

7 Q What I'm handing to you, Ms. Rosales, is the
8 original citation that you were given by the
9 officer. The second page is the magistrate's order
10 which actually lists out probable cause for the
11 resisting charge. The third page is the arrest
12 report. The fourth page is the booking report.
13 And the last two pages are the court record detail
14 for those charges from July 24th, 2011.

15 Do you recognize the first two pages?

16 A (Through The Interpreter) Yes.

17 Q So you recognize that the first one is the citation
18 you were given for no operator's license?

19 A (Through The Interpreter) Yes.

20 Q And you recognize the second page as being that
21 charge of the resist, obstruct and delay?

22 A (Through The Interpreter) Uh-huh (yes).

23 Q And this is a magistrate's order. I'm just going
24 to read what it says right there. And I want to

1 make sure that you know that that's what it says
2 since you say that you've seen it. "I, the
3 undersigned, find that the defendant named above
4 has been arrested without a warrant and the
5 defendant's detention is justified because there is
6 probable cause to believe that on or about the date
7 of offense shown and in the county named above the
8 defendant named above unlawfully and willfully did
9 resist, delay and obstruct Deputy T. Anthony, a
10 public officer holding the office of deputy, by
11 refusing to give identification to the deputy when
12 asked while she was stopped in a vehicle stop when
13 she was the driver. At that time, the officer was
14 discharging and attempting to discharge a duty of
15 his office, conducting a traffic stop."

16 Can you tell us whether that is the
17 document you were given when you were stopped and--
18 and charged?

19 A (Through The Interpreter) When they stopped me,
20 they didn't give me any paper. So that's--that was
21 when I--when I got out of there, and when he told
22 me to get out of the car because he was going to
23 arrest me, I didn't.

24 Q Where were you at the time--after the stop, where

1 were you at the time the first officer was talking
2 to you, before the second arrived?

3 A (Through The Interpreter) I was at the driver's
4 seat.

5 Q Okay. And you never got out of the car until the
6 second officer came to talk with you?

7 A (Through The Interpreter) Yes.

8 Q Yes, you did get out of the car before then,
9 or--or--

10 A (Through The Interpreter) I got out when he said
11 to get out.

12 Q The second officer?

13 A (Through The Interpreter) Yes.

14 Q Okay. Thank you. You were arrested after you
15 refused to cooperate with the officer, is that
16 correct?

17 MR. SONGER: Objection.

18 Q Can you tell us whether you were arrested after you
19 refused to cooperate with the officer?

20 A (Through The Interpreter) Well, if he said that
21 I--to get out because he was going to arrest me, I
22 didn't.

23 Q And what happened after you were arrested?

24 A (Through The Interpreter) They took us to jail.

1 Q And at that time did you ever produce
2 identification?

3 A (Through The Interpreter) I didn't have to present
4 identification because the officers searched in my
5 bag and they got the ID.

6 Q Let me take you back to the first page of the
7 exhibit. If you will look to the left side. And
8 just for the record, that portion was not filled
9 out when you first got this.

10 But if you will notice, and if you--if
11 you will read, to the left-hand side, the district
12 attorney has initialed.

13 Can you read those initials?

14 A Uh-huh (yes).

15 Q I'll need you to read them, please.

16 A (Through The Interpreter) This?

17 Q The--the--this district attorney's initials.

18 A (Through The Interpreter) "N.T.M."

19 Q Okay. And next to that it reads, "Attorney for
20 Defendant At The Time Of Trial Or Plea."

21 Can you tell whether you--can you tell us
22 whether you had an attorney?

23 A (Through The Interpreter) Yes.

24 Q Did your attorney speak Spanish?

1 A (Through The Interpreter) Yes.

2 Q So he was--I'm sorry. I'm assuming it's a he.

3 Your attorney was explaining the process
4 to you as it went along?

5 A (Through The Interpreter) When I went to court?

6 Q Yes.

7 A (Through The Interpreter) Yes. I don't remember
8 if it was somebody else there.

9 Q So there may have been an interpreter, as well?

10 A (Through The Interpreter) No. I can't remember.

11 Q Okay. What was the name of your attorney, please?

12 A (Through The Interpreter) It's Rossi.

13 Q Okay. But your--is that a man or a woman? I'm
14 sorry.

15 A (Through The Interpreter) Man.

16 Q Man. Okay. And Mr. Rossi, tell us whether he
17 speaks Spanish.

18 A (Through The Interpreter) Yes.

19 Q So you would--you had someone there to explain what
20 was going on and to talk with you in Spanish so
21 that you would understand the proceedings?

22 A (Through The Interpreter) Uh-huh (yes).

23 Q Did your attorney Mr. Rossi deal with the district
24 attorney on your behalf?

1 A (Through The Interpreter) Yes.

2 Q And so Mr. Rossi, was he the one to help you come
3 to a plea agreement with the district attorney?

4 A (Through The Interpreter) I don't know. I don't
5 remember.

6 Q Did you talk to the district attorney?

7 A (Through The Interpreter) Yes. But I have many
8 things in my head.

9 Q Right below Mr. Rossi's name, over to the right--
10 excuse me--let's say to the left, there is a check
11 mark next to "Plea" for "guilty," slash,
12 "responsible."

13 Do you see that? Do you see it?

14 A (Through The Interpreter) Uh-huh (yes).

15 Q And then just over to the right of that it says
16 "Verdict" with an "X" mark, "NOL," slash, "PJC."

17 A (Through The Interpreter) What that means?

18 Q The "NOL" means "No operator's license." And it--
19 it's showing that you were pleading guilty to no
20 operator's license. And the Court gave you a
21 prayer for judgment continued.

22 Do you remember that in court?

23 A (Through The Interpreter) I think so.

24 Q Okay.

1 A (Through The Interpreter) I don't understand
2 exactly what--

3 Q You're not understanding the paperwork?

4 A (Through The Interpreter) Yes. Yes. But--because
5 they gave me another court, or what?

6 Q This is--this is what happened at the very end.

7 How many times did you go to court?

8 A (Through The Interpreter) Well, two times.

9 Q Okay. So this would--this is what would have
10 happened on the second time.

11 Do you remember talking to the judge at
12 all or the judge speaking with you?

13 A (Through The Interpreter) Yes. Because he said
14 that--that he wanted me to come back with a
15 driver's license. But he didn't say when.

16 Q Okay. So you didn't have a court date after that,
17 after the second time?

18 A (Through The Interpreter) No.

19 Q Okay. And your attorney, did he give you any
20 instructions at the end of that second time in
21 court?

22 A (Through The Interpreter) No.

23 Q Okay. Looking at the second page of the exhibit,
24 at the top it tells you this is the resisting

1 public officer charge.

2 Do you see that?

3 A Uh-huh (yes).

4 Q I don't know if you can, but if you can, can you
5 read the handwriting that's been placed right under
6 it?

7 A (Through The Interpreter) I don't understand the--

8 Q That top is a "VD." But can you read the rest?

9 A (Through The Interpreter) "Plea" or?

10 Q Uh-huh (yes).

11 A (Through The Interpreter) "To underlying offense
12 of NOL."

13 Q And over to the right, those are initials and a
14 date.

15 Can you read the date?

16 A (Through The Interpreter) "9-13-11."

17 Q Do you remember or do you know whether or not that
18 was your last court date for these charges?

19 A (Through The Interpreter) No. I don't remember.

20 Q Okay. Having gone through the actual court record
21 detail, I want to refer you back to your court
22 testimony on January 22nd, 2014.

23 At that time do you remember, just as you
24 said today, that the judge dismissed the charges

1 because the officer didn't show up?

2 THE INTERPRETER: May Interpreter have a
3 repetition of the question, please?

4 MS. TURRENTINE: Uh-huh (yes). Uh-huh
5 (yes).

6 Q At that time in January this year in court, just as
7 you've testified today, you stated that the judge
8 dismissed the charges because the officer didn't
9 show up.

10 Do you remember that? Is that correct?

11 A (Through The Interpreter) Yes. That's--that's
12 what I thought.

13 Q Okay. Did you not have to pay some money before
14 your court matter went away?

15 A (Through The Interpreter) No.

16 Q Okay.

17 A (Through The Interpreter) When the officer stopped
18 us, we had to pay a bond. And even with a bond,
19 they didn't let us go.

20 Q All right. Well, we'll talk about that in a little
21 while.

22 Let me give you what is marked as Rosales
23 Exhibit 2.

24 (DEPOSITION EXHIBIT NO. 2

1 MARKED FOR IDENTIFICATION)

2 Q Can you read the bold letters, the bold wording
3 over on the right-hand top, please?

4 A "Defendant's Plea of Guilty or No Contest in
5 District Court."

6 Q Okay. And Ms. Rosales, if you look down in the
7 middle of the first page, it says, "Terms Of Plea
8 Agreement, if any."

9 Do you see that?

10 A Uh-huh (yes).

11 Q And it says, "VD/RDO."

12 Do you know what that means?

13 A (Through The Interpreter) No. Not exactly.

14 Q It's as we discussed on the--on the first exhibit,
15 voluntary dismissal of the resist, delay and
16 obstruction charge. This plea of guilty in
17 District Court has a signature in the middle of the
18 page.

19 Is that your signature?

20 A (Through The Interpreter) Yes.

21 Q So--and then--I'm sorry. Just below your name
22 where it says "Jessica Rosales," it shows it a "G"
23 for "guilty."

24 Do you see that? And you're pleading to

1 the NOL?

2 A (Through The Interpreter) Yes.

3 Q Okay. And over on the right-hand side it shows
4 that the maximum punishment for that NOL is sixty
5 days.

6 Do you see that?

7 A (Through The Interpreter) Yes.

8 Q So you signed a guilty plea, is that correct?

9 A (Through The Interpreter) Uh-huh (yes).

10 Q And on the second page, can you tell me what this
11 is? Do you know? Do you recognize it?

12 A (Through The Interpreter) Was what I had to pay
13 after the court date.

14 Q So am I to understand that you did pay something or
15 you didn't pay something?

16 A (Through The Interpreter) I had to pay, but I--I
17 didn't pay the court. I paid after.

18 Q Uh-huh (yes). Okay. And that was after you plead
19 guilty to something?

20 A (Through The Interpreter) Yes.

21 Q So when you told Judge Webb on January 22nd that
22 your charges had all been dismissed, was that the
23 truth or is it the truth today that you're
24 testifying to having plead guilty to something?